

§ 960.401 Purpose.

This subpart establishes a preference for elderly families and disabled families for admission to mixed population public housing projects, as defined in § 960.405.

§ 960.403 Applicability.

(a) This subpart applies to all dwelling units in mixed population projects (as defined in § 960.405), or portions of mixed population projects, assisted under the U.S. Housing Act of 1937. These projects formerly were known as elderly projects.

(b) This subpart does not apply to section 23 and section 10(c) leased housing projects or the section 23 Housing Assistance Payments Program where the owners enter into leases directly with the tenants, or to the Section 8 Housing Assistance Payments Program, the Low-Rent Housing Homeownership Opportunities Program (Turnkey III), the Mutual Help Homeownership Opportunities Program, or to Indian Housing Authorities. (For applicability to Indian Housing Authorities, see part 905 of this chapter.) Additionally, this subpart is not applicable to projects designated for elderly families or designated for disabled families in accordance with 24 CFR part 945.

§ 960.405 Definitions.

Designated housing. See definition of “designated housing” in 24 CFR part 945.

Disabled families. See definition of “disabled families” in 24 CFR part 945.

Elderly families. See definition of “elderly families” in 24 CFR part 945.

Mixed population project is a public housing project, or portion of a project, that was reserved for elderly families and disabled families at its inception (and has retained that character). If the project was not so reserved at its inception, the PHA has obtained HUD approval to give preference in tenant selection for all units in the project (or portion of project) to elderly families and disabled families. These projects formerly were known as elderly projects.

§ 960.407 Selection preference; other preferences; single person occupancy.

(a) A PHA must give preference to elderly families and disabled families equally in determining priority for admission to mixed population projects. A PHA may not establish a limit on the number of elderly families or disabled families who may be accepted for occupancy in a mixed population project.

(b) The PHA must follow its policies and procedures for applying the Federal preferences contained in subpart B of this part when selecting applicants for admission from among elderly families and disabled families.

(c) Elderly families and disabled families who do not qualify for a Federal preference contained in subpart B of this part, and who are given preference for admission under paragraph (a) of this section over non-elderly families and non-disabled families that qualify for such a Federal preference, are not subject to the statutory 10 percent limitation on admission of families without a Federal preference over families with such a Federal preference that may initially receive assistance in any one-year period, as provided in 24 CFR 960.211(b)(2)(ii).

(d) If an elderly or disabled applicant is a single person, as this term is defined in 24 CFR part 945, the elderly single person or the disabled single person shall be given a preference for admission to mixed population projects over single persons who are neither elderly nor disabled.

(e) In offering available units to elderly families and disabled families in mixed population projects, units with accessible features should first be offered to persons with disabilities who require the accessibility features of the unit in accordance with the requirements of 24 CFR 8.27 and 24 CFR 100.202(c)(3).

Subpart E—Exemption From Eligibility Requirements for Police Officers and Other Security Personnel

SOURCE: 59 FR 39405, Aug. 2, 1994, unless otherwise noted.